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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/660,872

09/11/2003

Hiroshi Kanno

FUJI 20.625

8674

26304 7590 05/15/2008  
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EXAMINER

PATEL, JAGDISH

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

05/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/660,872	<b>Applicant(s)</b> KANNO ET AL.	
	<b>Examiner</b> JAGDISH N. PATEL	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 3-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/5/07, 6/14/06, 9/11/03</u> .                                | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is responsive to the amendment filed 3/28/08. (Response to Restriction Requirements).

### ***Election/Restrictions***

2. Applicant's election without traverse of Invention I –claims 1 and 2 without traverse in the reply filed on 3/28/08 is acknowledged. Accordingly, claims 3-15 have been withdrawn from further consideration as being directed to non-elected inventions.

### ***Specification***

3. The abstract of the disclosure is objected to because it contains more than 150 words. Correction is required. See MPEP § 608.01(b).

### ***Priority***

4. The current application claims continuation of International Application PCT/JP01/01964. However, effective date for the application is considered as the U.S. filing date (Sept. 11, 2003) since (a) the PCT filing date was after Nov. 29, 2000 and (b) no evidence is provided that the PCT publication was published in English and designating the U.S.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobs et al. (WO 98/34203) (Jacobs).

7. Jacob teaches as per claim 1 and 2:

A settlement system, comprising:

a mobile communication terminal connectable with a mobile communication network;

(Fig. 7, element 312)

a settlement input device configured to output data of a charge based on input data of purchased items;

(Fig. 7, element Cashier Register 314)

and

a settlement device able to communicate with the mobile communication terminal and the settlement input device through the mobile communication network, and able to transfer money from a first account to a second account,

(Fig. 7, element Financial Transaction Clearing House 318)

wherein the settlement input device comprises:

a first transmission unit configured to transmit the data of the charge to the mobile communication terminal; and

(Fig. 7, p. 10-13, refer to functionality of Cashier Register 314 described in Fig. 1-6)

a second transmission unit configured to transmit the data of the charge, identification data of the mobile communication terminal, and identification data of the settlement input device to the settlement device;

(Fig. 7, p. 10-13, refer to functionality of Cashier Register 314 described in Fig. 1-6)

the settlement device comprises:

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a control unit configured to transfer an amount of money determined by the data of the charge from the first account determined by the identification data of the mobile communication terminal received from the settlement input device to the second account determined by the identification data Of the settlement input device; and

(Fig. 7, p. 10-13, refer to functionality of Financial Transaction Clearing House 318 described in Fig. 1-6)

a transmission unit configured to transmit the data of the amount of the transferred money to the mobile communication terminal through the mobile communication network; and

(Fig. 7, p. 10-13, refer to functionality of Financial Transaction Clearing House 318 described in Fig. 1-6)

the mobile communication terminal comprises:

a first reception unit configured to receive the data of the charge from the settlement input device;

(Fig. 7, p. 10-13, refer to functionality of Mobile Unite 312 described in Fig. 1-6)

a second reception unit configured to receive the data of the amount of the transferred money from the settlement device; and

(Fig. 7, p. 10-13, refer to functionality of Mobile Unite 312 described in Fig. 1-6)

a display configured to display the data of the charge and the data of the amount of the transferred money.

(Fig. 7, p. 10-13, refer to functionality of Mobile Unite 312 described in Fig. 1-6)

2. A mobile communication terminal connectable with a mobile communication network and able to communicate with a settlement input device for outputting data of a charge based on input data of purchased items and a settlement device able to transfer money from a first account to a second account

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through the mobile communication network, the mobile communication terminal comprising:

a first reception unit configured to receive the data of the charge from the settlement input device;

a second reception unit configured to receive the data of the amount of the transferred money from the settlement device through the mobile communication network; and

a display configured to display the data of the charge and the data of the amount of the transferred money.

(Fig. 7, p. 10-13, refer to functionality of Mobile Unite 312 described in Fig. 1-6 in conjunction with Fig. 7)

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### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748.

The examiner can normally be reached on 800AM-630PM Mon-Tue and Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JAGDISH N PATEL/

Primary Examiner, Art Unit 3693

5/11/08